

REMARKS / ARGUMENTS

Claims 13-20 remain pending in this application. New claims 19 and 20 have been added.

Interview

Applicants wish to thank the Examiner for conducting an interview with the undersigned and Applicants' representative on October 8, 2009. The following includes the substance of that which was discussed during the interview.

Priority

Applicants appreciate the Examiner's acknowledgment of the claim for priority and safe receipt of the priority document.

Drawings

Although the Figures show an analyzer, the claims no longer refer to the analyzer.

35 U.S.C. §112

The claims have been amended to overcome the rejection under this section.

35 U.S.C. § 103

Claims 13, 14, 16 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ohishi et al (U.S. Patent No. 6,019,945) in view of Ginsberg et al (U.S. Patent No. 4,234,538). Claims 15 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ohishi et al in view of Ginsberg et al, as applied to claims 13, 14, 16 and 17, and in further view of Minekane (U.S. Patent No. 4,808,380). These rejections are traversed as follows.

Figure 1 of Ginsberg shows a single reagent disk having first and second reagents, a first reagent probe and a second reagent probe, whereby each reagent probe accesses a reaction disk. Figure 3 of Ohishi shows a first reagent disk holding a first reagent and a second reagent disk having a second reagent. Each reagent disk has a single reagent probe which accesses a reaction disk, respectively.

On the other hand, the presently claimed invention has first and second reagent disks, each having first and second reagent probes. The first reagent dispensing probe of the first reagent disk only sucks first reagents on the first reagent disk. The second reagent dispensing probe of the first reagent disk only sucks second reagents on the first reagent disk. The first and second reagent probes of the second reagent disk function similarly. Furthermore, the dispensing of the first reagent by the first reagent dispensing probe of the first reagent disk and by the first reagent dispensing probe of the second reagent disk is performed in an alternating manner.

The present structure provides increased throughput due to the alternating manner in which the dispensing probes are controlled to operate. Furthermore, continuous operation is provided even if an error is found with respect to one of the first and second reagent disks by using the other one. At the same time, cross-contamination between the first reagent on the first reagent disk and the first reagent on the second reagent disk since the first and second reagent dispensing probes are used in an alternating manner.

The deficiencies in Ginsberg and Ohishi are not overcome by resort to Minekane. As such, it is submitted that the pending claims patentably define the present invention over the cited art.

Conclusion

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,

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